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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,049	01/18/2001	Gavin Brebner	B-4084 618514-1	7680
7590	03/09/2004		EXAMINER	
Richard P. Berg c/o Ladas & Parry 21st Floor 5670 Wilshire Boulevard Los Angeles, CA 90036			TIV, BACKHEAN	
			ART UNIT	PAPER NUMBER
			2151	
			DATE MAILED: 03/09/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/765,049	BREBNER, GAVIN
	Examiner	Art Unit
	Backhean Tiv	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 May 2001.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 and 9-11 is/are rejected.  
 7) Claim(s) 8 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 5.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

1 ***Detailed Action***

2 Claims 1-11 are pending in this application.

## ***Information Disclosure Statement***

4 The information disclosure statement filed Paper No. 5 has been considered.

## Priority

6 Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which  
7 papers have been placed of record in the file.

## ***Claim Objections***

9 Before the first claim, there should be an expression to the effect of "What is  
10 claimed :".

11 Claims 1, 2, 9 are objected to because of the following informalities:

12 As per claim 1 and 9, there is a comma after computer, the comma should be a  
13 semi-colon.

14 As per claim 2, it is claimed to be dependant on claim 2, line 1 "process  
15 according to claim 2", examiner interprets this to be a mistake and will assume it to be  
16 "process according to claim 1" for the purposes of art rejection.

17 Appropriate correction is required.

18 Claim 8 is objected to under 37 CFR 1.75(c) as being in improper form because  
19 a multiple dependent claim can not depend from any other multiple dependant claim

20 See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the  
21 merits.

22 **Claim Rejections - 35 USC § 112**

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1        The following is a quotation of the second paragraph of 35 U.S.C. 112:

2        The specification shall conclude with one or more claims particularly pointing out and distinctly  
3        claiming the subject matter which the applicant regards as his invention.

4  
5        Regarding claims 1-11, as per claim 1, 4, and 9, the phrase "(profile.xml)" or/and  
6        "(Generic\_offers.xml)" renders the claim indefinite because it is unclear whether the  
7        limitation(s) in the parentheses are part of the claimed invention. See MPEP  
8        § 2173.05(d). Claims 2,3,5-8 are rejected based on its dependency on claim 1. Claims  
9        10-11 are rejected based on its dependency on claim 9.

10        ***Claim Rejections - 35 USC § 103***

11  
12        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
13        obviousness rejections set forth in this Office action:

14        (a) A patent may not be obtained though the invention is not identically disclosed or described as set  
15        forth in section 102 of this title, if the differences between the subject matter sought to be patented and  
16        the prior art are such that the subject matter as a whole would have been obvious at the time the  
17        invention was made to a person having ordinary skill in the art to which said subject matter pertains.  
18        Patentability shall not be negated by the manner in which the invention was made.

19  
20  
21        Claims 1-3,5,7,9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable  
22        over WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et  
23        al(Ball).

24  
25        As per independent claim 1, Newman teaches process for personalized access  
26        to information available on the Internet network, characterized in that it involves the  
27        steps of:

1 creating at least one profile file comprising private data owned by the user,  
2 and/or data regarding the technical specifications of the user's computer(page 2,  
3 lines 28-29);  
4 in order to receive an offer file comprising matching rules for matching services  
5 accessible via the internet to said at least one profile(page 10, lines 7-14);  
6 applying the matching rules in the offer file to the profile file in order to select one  
7 or more services from the offer file(page 5, lines 28-31 and page 6, lines 1-3);  
8 generating a HTML page describing said selected services(page 6, lines 3-9);  
9 pushing said HTML page into a web browser for permitting direct access to the  
10 services selected(page 6, lines 13-17).

11 However Newman does not teach repeatedly polling a service provider.

12 Ball teaches repeatedly polling a service provider(col.5,lines 64-67 and  
13 col.6,lines1-23)

14 Therefore, it would have been obvious to one having ordinary skill in the art at  
15 the time of the invention to modify the process of Newman to add repeatedly polling a  
16 service provider as taught by Ball in order to keep track of changes in a document  
17 repository in an efficient manner (col.2,lines 14-15).

18 As per claim 2, process according to claim 1 comprising creating and updating a  
19 local file comprising the selected services(Ball, Fig.6,col.6,29-32).

20 As per claim 3, process according to claim 2 characterized in that the polling is  
21 executed after a predetermined period, and when the user requests the establishment  
22 of an Internet connection(Ball, col.5,lines 64-67 and col.6,lines 1-23).

1        As per claim 5, process according to claim 1 characterized in that said at least  
2    one profile file comprises private data regarding the user and technical data relating to  
3    the user's computer(Newman, page10, lines 11-14,31 and page 11, lines 1-3); it is  
4    inherent that there is technical data relating to the user's computer because  
5    advertisements are being sent to inform the users for upgrades.

6        As per claim 7, process according to claim 1 characterized in that it is used for  
7    achieving an electronic business application(Newman, page 1, lines 30-31).

8        As per claim 7, process according to claim 2, characterized in that it is used for  
9    achieving an electronic business application(Newman, page 1, lines 30-31).

10       As per claim 7, process according to claim 3, characterized in that it is used for  
11    achieving an electronic business application(Newman, page 1, lines 30-31).

12       As per claim 7, process according to claim 5, characterized in that it is used for  
13    achieving an electronic business application(Newman, page 1, lines 30-31).

14       Claim 9 is of the same scope as claim 1. Claim 1 recites a method while claim 9  
15    recites an apparatus, therefore is rejected based on the same rationale (see claim 1  
16    rejection).

17       Claim 10 is of the same scope as claim 2. Claim 2 recites a method while claim  
18    10 recites an apparatus, therefore is rejected based on the same rationale (see claim 2  
19    rejection).

20       Claim 11 is of the same scope as claim 3. Claim 3 recites a method while claim  
21    11 recites an apparatus, therefore is rejected based on the same rationale (see claim 3  
22    rejection).

1  
2       Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
3 WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et  
4 al(Ball) in further view of US Patent 5,710,884 issued to Dedrick.

5  
6       Newman in view of Ball teaches all the limitations of claim 1, however does not  
7 teach as per claim 4, process according to claim 1 characterized in that said profile file  
8 is encrypted into said local user machine.

9       Dedrick teaches characterized in that said profile file is encrypted into said local  
10 user machine(col.6,lines 22-27).

11       Therefore, it would have been obvious to one having ordinary skill in the art at  
12 the time of the invention to modify the process of Newman in view of Ball to add  
13 characterized in that said profile file is encrypted into said local user machine as taught  
14 by Dedrick in order to protect the user profile from anyone other than the individual who  
15 is associated with the information (col.6,lines 24-25).

16       As per claim 7, process according to claim 4 characterized in that it is used for  
17 achieving an electronic business application(Newman, page 1, lines 30-31).

18  
19       Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
20 WO 99/16003 issued to Newman in view of US Patent 5,860,071 issued to Ball et  
21 al(Ball) in further view of US Patent 6,035,339 issued to Agraharam et al. (Agraharam).

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1        Newman in view of Ball teaches all the limitations of claim 1 however does not  
2    teach as per claim 6, process according to claim 1 characterized in that said at least  
3    one profile comprises technical data that is automatically collected by means of an  
4    analysis software program.

5        Agrapharam teaches characterized in that said at least one profile comprises  
6    technical data that is automatically collected by means of an analysis software  
7    program(col.4,lines 14-17).

8        Therefore, it would have been obvious to one having ordinary skill in the art at  
9    the time of the invention to modify the process of Newman in view of Ball to add  
10   characterized in that said at least one profile comprises technical data that is  
11   automatically collected by means of an analysis software program as taught by  
12   Agrapharam in order to more conveniently determine the user terminal  
13   capabilities(col.1,lines31-35).

14       As per claim 7, process according to claim 6 characterized in that it is used for  
15   achieving an electronic business application(Newman, page 1, lines 30-31).

16

### 17                    **Conclusion**

18        The prior art made of record and not relied upon is considered pertinent to  
19   applicant's disclosure.

20        US Patent 6,141,010 issued to Hoyle, Abstract, col.1-6

21        US Patent 5,784,564 issued to Camaisa et al., Abstract, col.1-3

22        US Patent 5,572,643 issued to Judson, Abstract, col.1-3

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1 US Patent 6,477,565 issued to Daswani et al., Abstract, col.1-4

2 US Patent 5,933,811 issued to Angles et al., Abstract, col.1-4

3

4 Any inquiry concerning this communication or earlier communications from the

5 examiner should be directed to Backhean Tiv whose telephone number is (703) 305-

6 8879. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M.

7 Monday-Friday.

8 If attempts to reach the examiner by telephone are unsuccessful, the examiner's

9 supervisor, Glenton B Burgess can be reached on (703) 305-4792. The fax phone

10 number for the organization where this application or proceeding is assigned is 703-

11 872-9306.

12 Information regarding the status of an application may be obtained from the

13 Patent Application Information Retrieval (PAIR) system. Status information for

14 published applications may be obtained from either Private PAIR or Public PAIR.

15 Status information for unpublished applications is available through Private PAIR only.

16 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

17 you have questions on access to the Private PAIR system, contact the Electronic

18 Business Center (EBC) at 866-217-9197 (toll-free).

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BT

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23 Backhean Tiv

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3/4/04

*Andrew Caldwell*  
Andrew Caldwell